

Thwarting Congress and the American Public: The Death of Accountability under the Bush Administration and the Republican-Controlled Congress

Both the Bush Administration and the Republican-controlled Congress have made it difficult if not impossible for Democrats or the American people to obtain meaningful information or oversight concerning the various abuses and misuse of power described in this Report.

Determination to Go to War Without Congressional Authorization

With regard to the charges that the Bush Administration made a decision to go to war well before seeking congressional authorization, the Administration and congressional Republicans have rejected or ignored every request to obtain information on this matter. This includes efforts to obtain information by letter, through hearings, and by way of Resolution of Inquiry.⁹³⁵

Numerous letter requests have been ignored by the Administration. For example, on May 5, 2005, Representative Conyers and 89 other Members wrote to the President asking him five questions:

1. Do you or anyone in your Administration dispute the accuracy of the leaked document?
2. Were arrangements being made, including the recruitment of allies, before you sought Congressional authorization [to] go to war? Did you or anyone in your Administration obtain Britain's commitment to invade prior to this time?
3. Was there an effort to create an ultimatum about weapons inspectors in order to help with the justification for the war as the minutes indicate?
4. At what point in time did you and Prime Minister Blair first agree it was necessary to invade Iraq?

"The decline of oversight hearings on Capitol Hill reflects what many of the commentators called a loss of institutional pride in Congress. Majority Republicans see themselves first and foremost as members of the Bush team -- and do not want to make trouble by asking hard questions."

-----September 4, 2005,
David Broder, Washington Post⁹³⁴



5. Was there a coordinated effort with the U.S. intelligence community and/or British officials to 'fix' the intelligence and facts around the policy as the leaked document states?⁹³⁶

To date, no response has been received.⁹³⁷ In addition to the congressional letter, on June 16, 2005, more than 500,000 citizens joined in this request for information from the President, which Representative Conyers and several other Members hand delivered to the White House. Again, there has been no response.

Also, on May 31, 2005, Representative Conyers wrote a letter to Secretary of Defense Rumsfeld requesting a response to reports that British and U.S. aircraft increased the rate of bombing Iraq in 2002 to provoke an excuse for war.⁹³⁸ The Defense Department did respond to this letter, although it failed to answer the specific questions posed and thus provided no meaningful information.⁹³⁹

In addition, Democrats submitted a request for hearings to the various committees of jurisdiction to seek oversight of these serious charges. On June 30, 2005, 52 members formally requested that the House Committees on Judiciary, Armed Services, International Relations, and the Permanent Select Committee on Intelligence commence hearings on the Downing Street Minutes.⁹⁴⁰ None of the committee chairs responded to this letter. Similarly, on June 22, 2005, Senator Kerry and other Senators urged the Senate Select Committee on Intelligence to investigate pre-war intelligence failures, noting that the "committee's efforts have taken on renewed urgency given recent revelations in the United Kingdom regarding the apparent minutes of a July 23, 2002, meeting between Prime Minister Tony Blair and his senior national security advisors."⁹⁴¹ In a convoluted response, Senator Pat Roberts indicated that "the opinions of a British government official as expressed in the 'Downing Street Memo' are not pertinent to the Committee's inquiry on Iraq."⁹⁴²

The Administration has also been elusive in response to Democratic attempts to obtain answers through the Freedom of Information Act. On June 30, 2005, Representative Conyers and 51 other members of Congress submitted several FOIA requests to the Administration, seeking any and all documents and materials concerning the Downing Street Minutes and the lead up to the Iraq war.⁹⁴³ The Administration responded with delays and is seeking in excess of \$100,000 to even process the request.⁹⁴⁴

Democrats have also proposed seeking information via a non-binding request for information known as a "Resolution of Inquiry." Congresswoman Barbara Lee and 26 cosponsors filed a resolution requiring the White House and State Department to "transmit all information relating to communication with officials of the United Kingdom between January 1, 2002, and October 16, 2002, relating to the policy of the United States with respect to Iraq."⁹⁴⁵ Instead of permitting the Resolution to come to the House floor for an up or down vote, the Republicans denied a vote on the



measure by sending it to the International Relations Committee, where the Resolution was defeated by a 22-21 vote.⁹⁴⁶

Manipulation of the Intelligence to Justify the War

The Administration has failed to address the most important questions regarding the manipulation of intelligence to justify the war in Iraq. Democrats in the House and Senate have attempted to hold the Administration accountable with letters, requests for independent investigations, requests for congressional oversight, and the introduction of Privileged Resolutions and Resolutions of Inquiry. On every occasion, however, the Administration and the Republican leadership have restricted access to information, tied the hands of investigators, and rejected oversight attempts.

Democrats first sought answers by writing letters to the Administration. Representative Waxman, for example, has sent numerous letters seeking information about officials' knowledge of false nuclear claims and any efforts to mislead the public, including two to National Security Advisor Condoleezza Rice,⁹⁴⁷ one to Secretary of State Colin Powell,⁹⁴⁸ and two to the President.⁹⁴⁹ In general, the Administration's responses to these letters, or lack thereof, have been wholly inadequate.⁹⁵⁰

Democrats have also asked for independent reviews. For example, on February 2, 2004, House Minority Leader Pelosi, Senate Minority Leader Daschle, Senators Rockefeller and Lieberman and Representative Waxman called for a congressionally appointed commission to examine the intelligence used to justify the Iraq war.⁹⁵¹ The Republican majority has ignored this request.

In addition, Democrats have sought meaningful congressional oversight, particularly once it became apparent that the Senate Intelligence Committee under Chairman Roberts did not intend to investigate whether the Bush Administration used and exaggerated the faulty intelligence.⁹⁵² In response, Democrats wrote several letters demanding the investigation take place. For example, Senator Jay Rockefeller, Ranking Member on the Intelligence Committee, said in a statement that he expected Phase II to be completed: "The Chairman agreed to this investigation and I fully expect him to fulfill his commitment."⁹⁵³ And Senator Feinstein wrote a letter to Senator Roberts in July 2005, stating: "I am increasingly dismayed by the delay in completing the Committee's 'Phase II' investigation into intelligence prior to the Iraq War."⁹⁵⁴ However, it was not until Senator Reid forced a closed session of the Senate on November 1, 2005 – a tactic not employed for six years – that Senator Roberts finally agreed to complete Phase II of the investigation, although it is still unclear whether the review will be meaningful.⁹⁵⁵



In the House, Representative Jane Harman, Ranking Member of the Permanent Select Committee on Intelligence, sought a formal investigation into the following aspects of pre-war intelligence: (1) the pressure felt by intelligence professionals to conform their analysis to policy judgments of the Administration; (2) the presentation of competing, differing, or dissenting views; (3) the conduct of intelligence professionals in response to statements by policymakers that purported to characterize intelligence; and (4) the development of public presentations purported to be based on intelligence.⁹⁵⁶ During a press conference on November 10, 2005 and in a letter on that same date, Chairman Peter Hoekstra flatly rejected Harman's request to commence an investigation into the manipulation of pre-war intelligence.⁹⁵⁷

Democrats have also requested hearings. Congressman Henry Waxman, for example, requested hearings in the Government Reform Committee⁹⁵⁸ and the Intelligence Committee⁹⁵⁹ concerning issues of intelligence manipulation. Similarly, Congressman Nadler requested hearings in the Judiciary Committee to discuss whether the Administration manipulated intelligence in order to make a case for war.⁹⁶⁰ These requests have been ignored by all three Republican Chairmen.

Democrats have also attempted to gain information by use of Privileged Resolutions and Resolutions of Inquiry. Leader Pelosi offered a Privileged Resolution in early November that called for "the Republican Leadership and Chairmen of the committees of jurisdiction to comply with their oversight responsibilities, demand[ed] they conduct a thorough investigation of abuses relating to the Iraq War, and condemn[ed] their refusal to conduct oversight of an Executive Branch controlled by the same party, which is in contradiction to the established rules of standing committees and Congressional precedent."⁹⁶¹ Pelosi explained that the resolution was necessary because the House was faced with, among other things, a "Republican Leadership and Committee Chairmen [who] have repeatedly denied requests by Democratic Members to complete an investigation of pre-war intelligence on Iraq and have ignored the question of whether that intelligence was manipulated for political purposes."⁹⁶² The resolution was tabled by a party line vote of 220-191.⁹⁶³

In addition, Representatives Hinchey, Waxman, and Conyers introduced a resolution on November 10, 2005, that would require the White House to provide Congress with all drafts and documents related to the crafting of the State of the Union address.⁹⁶⁴ The resolution also sought drafts and related documents surrounding the October 2002 speech given by President Bush in which he discussed a possible mushroom cloud from an Iraqi nuclear weapon.⁹⁶⁵ The Resolution was referred to the Committee on International Relations and was considered on December 9, 2005. The Committee deadlocked in a 24-to-24 tie vote when one Republican, Representative Leach of Iowa, voted in its favor and two other Republicans missed the vote. However, the Chairman of the Committee scheduled another vote for the following week and the Resolution was finally defeated on December 5, 2005 by a 24-19 vote.⁹⁶⁶



Encouraging and Countenancing Torture

In May 2004, the world was shocked when photos of torture and humiliation of Iraqi detainees in Abu Ghraib prison were leaked to the press. Since then, Democrats have been trying to obtain information through requests for hearings and documents, requests for independent reviews and commissions, and Resolutions of Inquiry. Democrats, however, have been stonewalled at every turn.

Democrats began by asking the relevant committee chairmen to conduct hearings and investigations. After it became apparent that the House Armed Services Committee would not conduct a full and complete investigation, on June 17, 2004, Congressman Conyers and other Democratic Members of the House Judiciary Committee wrote to Chairman Sensenbrenner asking that the Committee “formally request from the Administration all executive branch memoranda, orders, and rules analyzing and implementing the Geneva Conventions, the 1994 Convention Against Torture, customary international law on torture, and federal torture statutes as they apply to detainees in Afghanistan, Iraq, and Guantanamo Bay.”⁹⁶⁷ Chairman Sensenbrenner did not reply. In addition, Representative Waxman requested that the Government Reform Committee hold hearings about allegations that private contractors participated in torture of Iraqi detainees.⁹⁶⁸ No response was received.

After Democrats were rebuffed by the relevant committees, the Ranking Members of six committees wrote a letter to the President requesting that he provide assistance in obtaining key documents concerning torture and other alleged abuse.⁹⁶⁹ In the letter, Democrats listed 35 items of documents that are needed to conduct a full and transparent investigation. The President never responded.

With regard to requests for independent commissions and reviews, Democrats have written to both Attorneys General Ashcroft and Gonzales on May 20, 2004 and May 12, 2005, respectively, asking for the appointment of a special counsel to investigate whether there had been violations of the War Crimes Act or the Anti-Torture Act.⁹⁷⁰ The DOJ denied both requests with little in the way of explanation. It was not until July 11, 2005, over a year after the original letter, that the Department of Justice responded to the Ashcroft request.⁹⁷¹

In addition, Democrats asked for the creation of an independent commission. On November 4, 2005, Senator Levin and others introduced an amendment to the National Defense Authorization Act that would have established a national commission on policies and practices on the treatment of detainees since September 11, 2001.⁹⁷² The amendment was defeated on the Senate floor by a vote of 43-55.⁹⁷³ In the House, Representative Waxman, Democratic Leader Pelosi, and other senior Democrats twice introduced similar legislation to establish an independent commission. The first resolution, H. Res. 690,⁹⁷⁴ was introduced in June 2004, and the second, H.R. 3003,⁹⁷⁵ was introduced in June 2005. Neither of these pieces of legislation ever received a hearing or a vote on the House floor.



Democrats have also attempted to obtain information by introducing Resolutions of Inquiry. In June 2004, Congressman Conyers and 47 other Members of Congress introduced resolutions to gather information regarding the treatment of prisoners or detainees in Iraq, Afghanistan, or Guantanamo Bay. The resolutions were referred to the Judiciary Committee, the International Relations Committee, and the Armed Services Committee.⁹⁷⁶ The resolutions were designed to trace the evolution of documents arguing that tortuous treatment of prisoners is not barred by American or international law, and to attempt to discover who commissioned these documents and whether the blank check given to the Administration under their rationale was ever used.⁹⁷⁷ The Resolutions were all voted down on party line votes in all Committees.⁹⁷⁸

Other Democratic members have also tried to use Resolutions of Inquiry to obtain information on torture. For example, on May 12, 2004, Congressman Bell introduced H. Res. 640, which requested the Secretary of Defense to provide “any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense.”⁹⁷⁹ The Resolution was referred to the Committee on Armed Services and was voted down.⁹⁸⁰

Democratic efforts have been particularly important given the fact that the Bush Administration's purported investigations into the allegations of torture have been largely non-responsive. While there have been a number of investigations into the treatment of Iraqi prisoners, each one has been limited to distinct areas of the military chain of command, which has prevented any inquiry into the accountability of anyone in the administration.⁹⁸¹ Nor were they tasked with investigating how ideas and direction for abuse moved amongst different units, and between entire theaters of combat. The Administration maintains these are all “isolated” events. Indeed, by setting up a dozen discrete investigations that ignore any connections between behavior, the abuse, at first blush, will of course continue to look like isolated events.⁹⁸²

Post-War Cover-Ups and Retribution and More Deceptions

The Administration has also retaliated against and publicly smeared those who have dared to speak out against the war in Iraq, including Joe Wilson and his wife, covert CIA agent Valerie Plame. When Democrats have attempted to gain insight and demand accountability, by writing letters, requesting hearings in Congress, and seeking adoption of Resolutions of Inquiry, the Administration and congressional Republicans have rejected or ignored nearly every request.



Congressional Democrats have written numerous letters to the Administration regarding the Plame leak that remain unanswered. Soon after Valerie Plame was exposed to the public as a covert CIA operative, Democrats sought President Bush's assurance that White House officials would cooperate with any investigation and would address reports that certain officials were refusing to cooperate.⁹⁸³ In addition, when it became clear that Karl Rove may have been involved in the leak of Plame's name, Congressman Conyers wrote a letter to Mr. Rove asking him to resign.⁹⁸⁴ Later, a similar letter was sent to President Bush asking him to require Mr. Rove to explain his role in the leak or resign.⁹⁸⁵ To date, Rove has not been asked or required to explain his role, and there has been no discussion of his resignation.⁹⁸⁶

After Scooter Libby was indicted on October 26, 2005 for perjury and obstruction of justice for his role in the leak, Representatives Conyers, Waxman and Hinchey wrote to Vice President Cheney and requested that he "make [himself] available to appear before Congress to explain the details and reasons for [his] office's involvement – and [Cheney's] personal involvement – in the disclosure of Valerie Wilson's identity as a Central Intelligence Agency (CIA) operative."⁹⁸⁷ To date, Vice President Cheney has failed to respond.

Congressman Conyers also asked President Bush to pledge not to pardon anyone involved in the Plame leak because of a concern that the Administration's "low ethical standards foreshadow future actions on [the Administration's] part that will allow individuals responsible for this breach of national security to evade accountability."⁹⁸⁸ Furthermore, senior Senate Democrats, including Senators Reid, Durbin, Stabenow and Schumer, asked President Bush to pledge not to pardon anyone convicted in connection with the leak investigation.⁹⁸⁹ The President has not responded to either of these requests.

Democrats have also written letters to the Administration in an attempt to obtain information about others who have suffered similar retaliation efforts by the Administration. For example, on August 29, 2005, Representative Waxman sent a letter to Secretary of Defense Rumsfeld requesting that the Department of Defense investigate the removal of Bunnatine Greenhouse from her position as Principal Assistant for Contracting for the Army Corps of Engineers. Representative Waxman wrote that "[t]he decision to remove Ms. Greenhouse from her position and demote her appears to be retaliation for her June 27, 2005 testimony before Congress."⁹⁹⁰ Mr. Waxman received a response to this letter on September 27, 2005; however, the letter is unpersuasive because it asserts that there was a sufficient record to determine whether Greenhouse was properly removed because General Strock's staff put together a memo. Of course, Greenhouse's allegations specifically involved Gen. Strock and his people.⁹⁹¹

In addition, in a letter dated January 14, 2004, Mr. Waxman asked Condoleezza Rice to explain "inconsistencies in how the Administration handles allegations regarding the release of sensitive information."⁹⁹² Specifically, Mr. Waxman



highlighted the immediate response and retaliation against Paul O'Neill's television interview (where he voiced criticism of the Administration) and contrasted it with the Administration's delayed handling of the Plame Leak.⁹⁹³ Mr. Waxman also noted the very different treatment given to Mr. O'Neill and Bob Woodward, whose book, "Bush at War," cites notes taken during more than 50 meetings of the National Security Council and both classified and unclassified written materials. Ms. Rice never responded to this letter.

Finally, Representative Conyers wrote a letter to the President expressing concerns that the Department of Defense is "under-reporting casualties in Iraq by only reporting non-fatal casualties incurred in combat."⁹⁹⁴ In the letter, Congressman Conyers asks the President to provide a full accounting of the American casualties in Iraq since the March 2003 invasion.⁹⁹⁵ To date, Mr. Conyers has not received a response to the letter.

Just as Administration officials ignored and evaded Democratic efforts to reveal the truth, Congressional Republicans have similarly blocked Democratic requests for investigative hearings. On October 30, 2003, House Judiciary Committee Democrats wrote to Chairman Sensenbrenner asking him to hold hearings to investigate the Plame leak.⁹⁹⁶ After it became apparent that Karl Rove was almost certainly involved in the leak in some capacity, Committee Democrats asked to hold hearings a second time in a letter dated July 14, 2005.⁹⁹⁷ Democrats never received responses to these requests. Representative Waxman also pursued committee hearings, requesting investigative oversight in a letter to House Government Reform Chairman Davis on September 29, 2003.⁹⁹⁸ Mr. Waxman tried again on October 8, 2003,⁹⁹⁹ December 11, 2003,¹⁰⁰⁰ and then again July 11, 2005,¹⁰⁰¹ in light of mounting evidence of Rove's involvement in the Plame outing. On October 28, 2005¹⁰⁰² and November 16, 2005,¹⁰⁰³ Mr. Waxman made his fifth and sixth requests for the Government Reform Committee to hold hearings on the Plame leak. To date, Chairman Davis has either denied or ignored all of these requests.

In addition to oversight into the Plame leak, Democrats have also attempted to gain information about and hold the Administration accountable for activities occurring in Iraq. First, in May 2004, Representative Waxman and other Members of Congress asked Chairman Davis to investigate allegations that civilian contractors participated in the abuse of detainees at Abu Ghraib.¹⁰⁰⁴ Chairman Davis did not respond to this letter. Second, Mr. Waxman tried to enlist Chairman Davis in seeking documents from the Pentagon about reports that the U.S. military is secretly paying Iraqi newspapers to run stories presenting a positive image of the United States in Iraq.¹⁰⁰⁵ Again, Chairman Davis has not responded to this request to date.

Democrats also pursued Resolutions of Inquiry. On July 29, 2005, Congressman Holt, along with other Members of Congress, attempted to request the Administration to provide information about the identity of the source of the Plame leak.¹⁰⁰⁶ The Resolutions were referred to four Committees, including the Judiciary Committee, the

International Relations Committee, the Armed Services Committee and the Intelligence Committee.

The Republicans voted all of the Resolutions down, arguing that there was an ongoing criminal investigation into the matter and the resolutions competed with that investigation.¹⁰⁰⁷ This argument would seem to be disingenuous given that there are numerous precedents for congressional committees investigating concurrently with the Justice Department and with other matters under criminal review by the Executive Branch¹⁰⁰⁸ –most notably many concurrent investigations by the Republican Congress involving the Clinton Administration.



⁹³⁴David Broder, *Our Back-Seat Congress*, WASH. POST., Sept. 4, 2005, at B07 (emphasis added).

⁹³⁵H. R. R. XIII § 7, 109th Cong. (2005) (Resolutions of Inquiry) (describing procedure used to request documents from the Executive Branch. Under House rules, a Resolution of Inquiry is to be voted on by all Members of Congress unless negative action is taken in the relevant committee within 14 legislative days).

⁹³⁶Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, *et al.*, to the Honorable George W. Bush, President (May 5, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/bushsecretmemoltr5505.pdf. Throughout the month, 39 members added their names to the letter, bringing the total of members seeking answers to 128, including Leader Pelosi.

⁹³⁷On May 17, 2005, Scott McClellan told reporters that the White House saw "no need" to respond to the letter from Congress regarding the Downing Street Minutes. *See* Kelley Beaucar Vlahos, *Downing Street Memo mostly ignored in US*, FOXNEWS.COM., June 1, 2005, *available at* <http://www.foxnews.com/story/0,2933,158228,00.html>. Again on June 16, 2005, during a press briefing, McClellan was asked if the President had responded to the letter that Representative Conyers and 88 other members of Congress had sent. (The correct number is 89). The following dialogue ensued:

Q:Has the President or anyone else responded?

MR. McCLELLAN: Not that I'm aware of.

Q Why not?

MR. McCLELLAN: Why not? Because I think that this is an individual who voted against the war in the first place and is simply trying to rehash old debates that have already been addressed. And our focus is not on the past. It's on the future and working to make sure we succeed in Iraq.

These matters have been addressed, Elaine. I think you know that very well. The press --

Q Scott, 88 members of Congress signed that letter.

MR. McCLELLAN: The press -- the press have covered it, as well.

Q What do you say about them?

Q But, Scott, don't they deserve the courtesy of a response back?

MR. McCLELLAN: Again, this has been addressed. Go ahead.

....

Q Scott, on John Conyers, John Conyers is walking here with that letter again, as you have acknowledged from Elaine's comment. But 88 leaders on Capitol Hill signed that letter. Now, I understand what you're saying about him, but what about the other 88 who signed this letter, wanting information, answers to these five questions?

MR. McCLELLAN: How did they vote on the war -- the decision to go to war in Iraq?

Q Well, you have two -- well, if that's the case, you have two Republicans who are looking for a timetable. How do you justify that?

MR. McCLELLAN: I already talked about that.

Q I understand, but let's talk about this.

MR. McCLELLAN: Like I said --

Q Well, just because -- I understand -- but wait a minute, that's not -- if leaders from Congress -- if you're talking about unifying and asking for everyone to come together, why not answer, whether they wanted the war or not, answer a letter where John Conyers wrote to the President and then 88 congressional leaders signed? Why not answer that?



MR. McCLELLAN: For the reasons I stated earlier. This is simply rehashing old debates that have already been discussed.

See White House Press Secretary Scott McClellan, Press Briefing (June 16, 2005) (transcript available at <http://www.whitehouse.gov/news/releases/2005/06/20050616-5.html>)

⁹³⁸Letter from the Honorable John Conyers, Jr., Ranking Member, Committee on the Judiciary, to the Honorable Donald H. Rumsfeld, Secretary of Defense (May 31, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/rumsfeldairstrikesltr53105.pdf.

⁹³⁹Letter from Peter W. Rodman to the Honorable John Conyers, Jr., Ranking Member, Committee on the Judiciary (July 28, 2005), *available at* http://www.house.gov/judiciary_democrats/responses/rumsfeldairstrikesresp72805.pdf.

⁹⁴⁰Letter from the Honorable John Conyers, Jr., Ranking Member, Committee on the Judiciary, *et al.*, to the Honorable James Sensenbrenner, Jr., Chairman, Committee on the Judiciary; the Honorable Duncan Hunter, Chairman, Committee on Armed Forces; the Honorable Henry J. Hyde, Chairman, Committee on International Relations; and the Honorable Peter Hoekstra, Chairman, Permanent Select Committee on Intelligence (June 30, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/chairdowningltr63005.pdf.

⁹⁴¹Letter from the Honorable John F. Kerry, *et al.*, to the Honorable Pat Roberts, Chairman, Select Committee on Intelligence, and the Honorable John D. Rockefeller, IV, Vice Chairman, Select Committee on Intelligence (June 22, 2005), *available at* http://www.kerry.senate.gov/v3/headlines/pdf/SSCI_Letter_Downing_Street.pdf.

⁹⁴²Letter from the Honorable Pat Roberts, Chairman, Select Committee on Intelligence, to the Honorable John F. Kerry (July 20, 2005).

⁹⁴³Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, *et al.*, to Mr. Brett Gerry, Associate Counsel, Office of Counsel to the President; Ms. Margaret P. Grafeld, Information and Privacy Coordinator, U.S. Department of State; and Mr. C.Y. Talbott, Chief, Office of Freedom of Information and Security Review, U.S. Department of Defense (June 30, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/downingfoialtr63005.pdf.

⁹⁴⁴Neither the State Department nor the White House responded to the original FOIA request within the prescribed period of time. Thus, on August 11, 2005, Representative Conyers sent a follow-up letter requesting the information. See Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, to Mr. Brett Gerry, Associate Counsel, Office of Counsel to the President, and Ms. Margaret P. Grafeld, Information and Privacy Coordinator, U.S. Department of State (Aug. 11, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/downingfoiafollowupltr81105.pdf.

The State Department then called the House Judiciary Committee Democratic staff asking for a clarification letter. That letter was sent on September 19, 2005, *see* Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, to Ms. Charlene Wright Thomas, Chief, Requestor/Liaison Division, U.S. Department of State (Sept. 19, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/dosfollowupfoialtr91905.pdf, and the State Department responded on September 27, 2005, stating that the request was being processed. See Letter from Lorraine B. Temple, Requester Communications Branch, U.S. Department of State, to the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee (September 27, 2005), *available at*



http://www.house.gov/judiciary_democrats/responses/dosfollowupfoiaresp92705.pdf. Since then, staff members have called periodically to check on the status of the request but have been told on each occasion that the Department is still working on it. To date, the White House has neither responded to nor acknowledged these requests.

The Department of Defense responded by phone call to the House Judiciary Committee Democratic staff, asking for a clarification letter. The Department stated that the request was very lengthy and complex and that it would behoove the signatories to narrow the request so that the Department could more easily comply. Per the Department's statements, Congressman Conyers sent a clarification letter – with specific changes suggested by the Department – on July 28, 2005. *See* Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, to Mr. Jim Hogan, Office of Freedom of Information and Security Review, U.S. Department of Defense (July 28, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/downingfoiafollowupltr72805.pdf.

After waiting several months for a response, Congressman Conyers finally received a letter on November 30, 2005, stating that the “revised request is still highly complex and will take a considerable time to process,” despite the fact that specific changes were made to avoid this result. *See* Letter from Will Kramer, Chief, Office of Freedom of Information, Department of Defense, to the Honorable John Conyers, Jr. The Department also denied the request for a fee waiver because the request “offered no information on how you plan to disseminate the information to the general public.” *Id.* In addition, the Department indicated that the request will be significantly delayed because the Department will not even begin to process the request until receiving a statement of willingness to pay applicable fees, which the Department estimates to be around \$110,000, not including reproduction charges. This decision is appealable, but such an appeal would come at the expense of having to wait months, if not years, before receiving information of vital public import.

⁹⁴⁵H.R. Res. 375, 109th Cong. (2005). Congressman Maurice Hinchey introduced a similar resolution requesting “all documents in the possession of the President and Secretary of Defense relating to communications with officials of the United Kingdom related to the policy of the United States with respect to Iraq.” H.R. Res. 408, 109th Cong. (2005). The International Relations Committee reported the resolution adversely to the House by a record vote of 23 yeas to 22 nays. H.R. REP. NO. 109-224 (2005).

⁹⁴⁶H.R. REP. NO. 109-223 (2005).

⁹⁴⁷Letter from the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to Dr. Condoleezza Rice, Assistant to the President for NSA (June 10, 2003); Letter from the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to Dr. Condoleezza Rice, Assistant to the President for NSA (July 29, 2003).

⁹⁴⁸Letter from the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to Secretary of State Colin L. Powell (July 21, 2003).

⁹⁴⁹Letter from the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to President George W. Bush (March 17, 2003); Letter from the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to President George W. Bush (June 2, 2003).

⁹⁵⁰Even though Secretary of State Powell responded, National Security Adviser Rice ignored the two requests. President Bush's response to Representative Waxman's March 17, 2003 was an ambiguous one-page letter from the State Department and the President did not respond to Mr. Waxman's letter of June 2, 2003.



⁹⁵¹Letter from the Honorable Nancy Pelosi, *et al.*, to President George W. Bush (Feb. 2, 2004), *available at* <http://www.house.gov/pelosi/press/releases/Feb04/IraqReview020204.html>. An independent review was essential because the Commission established by President Bush in February 2004, the Silberman-Robb Commission on Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, was limited to investigating how intelligence was developed and did not authorize inquiry into how policymakers used the intelligence. In fact, the Commission was barred from interviewing President Bush and Vice President Cheney

⁹⁵²These assessments were relegated to a “Phase II” of the investigation, which Chairman Roberts more or less abandoned, stating that “we have now heard it all regarding prewar intelligence. I think that it would be a monumental waste of time to replot this ground any further.” Remarks by the Honorable Pat Roberts on the WMD Commission Report (Mar. 31, 2005), *available at* <http://roberts.senate.gov/03-31-2005.htm>.

⁹⁵³Shaun Waterman, *Robert calls for constant change in intel*, UPI, March 10, 2003, *available at* <http://www.washtimes.com/upi-breaking/20050310-060505-9514r.htm>.

⁹⁵⁴Letter from the Honorable Dianne Feinstein to the Honorable Pat Roberts, Chairman, Senate Intelligence Committee (July 29, 2005), *available at* <http://feinstein.senate.gov/05releases/r-intel-robrts.htm>.

⁹⁵⁵*See* 151 CONG. REC. 142, S12099 (daily ed. Nov. 1, 2005). Senator Reid also issued a fact sheet to reporters showing that at every turn, “Republicans have blocked efforts to investigate how intelligence was used in the run-up to the war in Iraq.” *Democrats detail times their efforts to examine intel were blocked*, THE RAW STORY, Nov. 1, 2005, *available at* http://rawstory.com/news/2005/Democrats_detail_times_their_effort_to_1101.html. The fact sheet details a timeline from March 2003 through September 2005 of letters and requests for information and hearings. The vast majority of these requests were either ignored or glossed-over by the Administration and Republicans in Congress. *Id.*

⁹⁵⁶Memorandum from the Honorable Jane Harman, Ranking Member, Permanent Select Committee on Intelligence, to the Honorable Peter Hoekstra, Chairman, Permanent Select Committee on Intelligence (Nov. 4, 2005), *available at* http://www.house.gov/harman/press/releases/2005/051110_pre-war.html.

⁹⁵⁷Letter from the Honorable Peter Hoekstra, Chairman, Permanent Select Committee on Intelligence, to the Honorable Jane Harman, Ranking Member, Permanent Select Committee on Intelligence (Nov. 10, 2005).

⁹⁵⁸Letter from the Honorable Henry Waxman, Ranking Member, House Government Reform Committee, to the Honorable Tom Davis, Chairman, House Government Reform Committee (Oct. 4, 2005), *available at* <http://www.democrats.reform.house.gov/story.asp?ID=710&Issue=Iraq+Intelligence+and+Nuclear+Evidence>

⁹⁵⁹Letter from the Honorable Henry A Waxman, Ranking Member, Committee on Government Reform, to the Honorable Porter J. Goss, Chairman, Permanent Select Committee on Intelligence, and the Honorable Jane Harman, Ranking Member, Permanent Select Committee on Intelligence (July 15, 2003), *available at* <http://www.democrats.reform.house.gov/story.asp?ID=327&Issue=Iraq+Intelligence+and+Nuclear+Evidence>. The request was for hearings on President Bush’s use of the false information about Iraq’s nuclear capacity in the State of the Union address.

⁹⁶⁰Letter from the Honorable Jerrold Nadler to the Honorable F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary (Oct. 31, 2005), *available at* http://www.house.gov/apps/list/press/ny08_nadler/JudHearingIraqWar103105.html.

⁹⁶¹151 CONG. REC. H9566-H9568 (daily ed. November 3, 2005) (Privileged Resolutions on Iraq).



⁹⁶²*Id.*

⁹⁶³*Id.*

⁹⁶⁴H. Res. 549, 109th Cong. (2005).

⁹⁶⁵Representative Kucinich also introduced H. Res. 505, which sought documents and records relating to White House Iraq Group, which was organized by Andrew Card and consists of Karl Rove, Karen Hughes, Mary Matalin, Nicholas E. Calio, James R. Wilkinson, Condoleezza Rice, Stephen Hadley and I. Lewis Libby. The resolution was defeated on a party line vote. H. Res. 505, 109th Cong. (2005).

⁹⁶⁶*Markup of H. Res. 549, before the H. Comm. on Int'l Relations*, 109th Cong. (2005).

⁹⁶⁷Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, *et al.*, to the Honorable F. James Sensenbrenner, Chairman, House Judiciary Committee (June 17, 2004).

⁹⁶⁸Letter from the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to the Honorable Tom Davis, Chairman, Committee on Government Reform (May 4, 2004).

⁹⁶⁹Letter from the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, the Honorable John Conyers, Jr., Ranking Member, Committee on the Judiciary, the Honorable David R. Obey, Ranking Member, Committee on Appropriations, the Honorable Ike Skelton, Ranking Member, Committee on Armed Services, the Honorable Tom Lantos, Ranking Member, Committee on International Relations, and the Honorable Jane Harman, Ranking Member, Permanent Select Committee on Intelligence, to The President (June 3, 2004), *available at* http://www.house.gov/judiciary_democrats/bushiraqiprisondocrequestltr6304.pdf.

⁹⁷⁰Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, *et al.*, to the Honorable John D. Ashcroft, Attorney General of the United States, U.S. Department of Justice (May 20, 2004), *available at* http://www.house.gov/judiciary_democrats/agiraqspeccounselltr52004.pdf; Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, to the Honorable Alberto R. Gonzales, Attorney General of the United States, U.S. Department of Justice (May 12, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/agspecialcounselstortureltr51205.pdf.

⁹⁷¹Letter from William E. Moschella, Assistant Attorney General, Department of Justice, to the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee (July 11, 2005), *available at* http://www.house.gov/judiciary_democrats/responses/agiraqspeccounselresp71105.pdf; Letter from William E. Moschella, Assistant Attorney General, Department of Justice, to the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee (Oct. 14, 2005), *available at* <http://www.house.gov/judiciary-democrats/responses/agspecialcounselstortureresp101405.pdf>. In all, Democrats have written more than a dozen letters to Bush Administration officials requesting public accountability for the inexcusable offenses at Abu Ghraib. Very few of these letters have ever engendered a response from the Executive Branch; what responses have been received are of exceptionally limited substance.

⁹⁷²S. 1042 (109th Congress, 1st Sess.), S. Amdt. 2430 offered by Sen. Carl Levin.

⁹⁷³151 CONG. REC. S12479-S12516 (daily ed Nov. 8, 2005).



⁹⁷⁴H. Res. 690, 108th Cong. (2004).

⁹⁷⁵H.R. 3003, 109th Cong. (2005).

⁹⁷⁶H. Res 689, 108th Cong. (2004); H. Res 699, 108th Cong. (2004); H. Res 700, 108th Cong. (2004).

⁹⁷⁷H.R. REP. No. 108-658 at 47 (2004).

⁹⁷⁸Republicans argued that the Administration has substantially complied with the requests contained in the three resolutions; many of the documents requested are sensitive as they relate to military operations in a time when the country is at war; and there are competing investigations. *Id.* at 11. These arguments, however, are spurious. First, because none of the ongoing investigations have inquired into the Justice Department's role in sanctioning such behavior, the Resolutions of Inquiry would not interfere or duplicate any ongoing investigations. Moreover, as noted in the Democratic dissenting views, the documents the administration released "are so far afield of the legal consensus in the American and International legal community, an investigation into their creation and to what extent they evolved and were utilized is necessary." *Id.* at 50. In addition, the administration did not release all relevant documents and, in fact, released a selection of documents that leave large gaps not only in time, but in substance. Finally, the resolutions would have requested a much larger field of documents that had already been released.

⁹⁷⁹H. Res 640, 108th Cong. (2004).

⁹⁸⁰The Committee reported the resolution adversely because it concluded that the Department of Defense has provided the requested materials to the committee, and that, with respect to information regarding investigations into alleged contractor abuses of detainees, the Department had not completed any specific investigations. H.R. REP. NO. 108-547 at 5 (2004). Again, these arguments are disingenuous. In the Democratic dissenting views, the members note that the Taguba report "leaves unaddressed important questions of personal accountability and systemic deficiencies that the committee can and should explore." *Id.* at 10.

⁹⁸¹Numerous reports have been filed, including the Taguba Report, which investigated allegations of abuse committed by the 800th Military Police Brigade at Abu Ghraib prison. In the report, Maj. Gen. Antonio M. Taguba found systematic abuse in order to loosen up detainees before interrogation. *See* ARTICLE 15-6 INVESTIGATION OF THE 800th MILITARY POLICE BRIGADE, *available at* www.findlaw.com. There was also the report of the Independent Panel to Review Department of Defense Detention Operations, prepared by former Secretary of Defense James Schlesinger. INDEPENDENT PANEL TO REVIEW DEPARTMENT OF DEFENSE DETENTION OPERATIONS, Aug. 2004, at 3, *available at* www.defenselink.mil. Although this report found "the abuses were not just the failure of some individuals to follow known standards, and they are more than the failure of a few leaders to enforce proper discipline," it concluded that the failures in leadership had already been sufficiently dealt with, that senior level administrators in the Administration did not know about the abuse and were therefore not culpable, and that they just need to find a better way to communicate so-called "bad news." *Id.* at 92.

The Army Inspector General's report reviewed doctrine, training and procedure in the Central Command area and did not review policy actions or inactions taken by the Administration. *See* DEPARTMENT OF THE ARMY, INSPECTOR GENERAL, DETAINEE OPERATIONS INSPECTION, July 21, 2004, at 3, *available at* www.defenselink.mil. The Navy Inspector General's report, prepared by Vice Adm. Albert T. Church, reviewed interrogation policies and practices in Iraq and elsewhere. It found the abuse in Abu Ghraib to be isolated and that those who abused detainees did so of their own accord and not out of any approval – explicit or implicit – from leadership. It afforded the least critical review to date. *See* EXECUTIVE SUMMARY, REPORT



OF VICE ADMIRAL ALBERT T. CHURCH, III, NAVY INSPECTOR GENERAL at 10-11. Finally, the AR 15-6 Investigation of the Abu Ghraib Prison and 205th Military Intelligence Brigade report, prepared by Generals Jones and Fay, investigated the intelligence brigade at Abu Ghraib prison, and interviewed 170 people, ranking as high as Maj. General Geoffrey Miller, head of the Guantanamo facilities. It described the abuse as the result of “confusion” about or “misinterpretations” of interrogation policy by individual soldiers. It confirmed repeated use of sexual exploitation, beatings, unmuzzled dogs and other abuse. ARTICLE 15-6 INVESTIGATION OF THE 800th MILITARY POLICE BRIGADE, *available at* www.findlaw.com.

In addition, there have been eight other reports, investigating other locations such as Guantanamo and Afghanistan. Collectively, these Iraq-related reports did not investigate the role of senior level officers nor civilian commanders within the Pentagon. Army doctrine forbids an officer from investigating the action of anyone higher in rank than himself.

⁹⁸²There has also been substantial evidence that these investigations were not conducted in a regular or sincere way. For example, one officer of the 82nd has come forward and stated that he spent 17 months trying to report incidents of abuse and clarify what standard of treatment was acceptable. LEADERSHIP FAILURE: FIRSTHAND ACCOUNTS OF TORTURE OF IRAQI DETAINEES BY THE U.S. ARMY’S 82ND AIRBORNE DIVISION, HUMAN RIGHTS WATCH, September 2005, Volume 17, No. 3(G), *available at* www.hrw.org. However, his complaints were not investigated until he informed the military that he was speaking to a U.S. Senator. See Eric Schmitt, *Officer Criticizes Detainee Abuse Inquiry*, N.Y. TIMES, Sept. 28, 2005.

⁹⁸³Letter from the Honorable John Conyers, Jr., Ranking Member, Committee on the Judiciary, and the Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to President George W. Bush (Feb. 10, 2004). In addition, on July 14, 2005, Congressman Waxman wrote to White House Chief of Staff Andrew Card asking whether the White House complied with an order requiring an internal investigation and the implementation of remedial measures. Letter from Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform, to White House Chief of Staff Andrew Card (July 14, 2005), *available at* <http://www democrats.reform.house.gov/Documents/20050714122956-30175.pdf>.

⁹⁸⁴Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, to the Honorable Karl Rove, Senior Advisor to the President (Oct. 7, 2003), *available at* http://www.house.gov/judiciary_democrats/roveresignltr10703.pdf.

⁹⁸⁵Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, *et al.*, to President George W. Bush (July 14, 2005). Senator Schumer sent a similar letter seeking information about Rove’s involvement in the leak, the President’s understanding of that involvement, and an explanation of why the President had not taken action against Rove—either firing him or revoking his security clearance—once his involvement had been learned. See Letter from the Honorable Charles E. Schumer to President George W. Bush (Oct. 19, 2005). We are unaware of any response to this letter.

⁹⁸⁶Senate Democrats also sought to revoke Rove’s security clearance after passing an amendment to strip the security clearance of anyone who knowingly revealed classified information. S. 1042, 109th Cong. §1072 (2005)(enacted) (Amendment No. 2478 of Sen. Frank Lautenberg, *reprinted in* 151 Cong. Rec. S.12,575 (2005)). In a letter dated November 14, 2005, Senator Lautenberg, along with Senators Durbin, Reed, Harkin and Dayton, sought confirmation from Mark Frownfelter, the official in charge of security clearances for White House officials, that he is investigating and reevaluating the security clearances of Karl Rove and other administration officials referenced in the Libby indictment. Letter from Senators Frank Lautenberg, Richard Durbin, Jack Reed, Tom Harkin and Mark Dayton to Mark Frownfelter, Associate Director, Security Division, Executive Office of the President (November 14, 2005).

⁹⁸⁷Letter from the Honorable Maurice Hinchey, *et al.*, to Vice President Richard B. Cheney (Nov. 3, 2005). As noted



in *The Nation*, this letter, which followed Senator Reid's success in forcing the Senate into a closed session to discuss intelligence issues related to Iraq, "offers the latest signal that Congressional Democrats are determined to hold key players in the administration, particularly Cheney, to account." *Congressmen Want Cheney to Testify*, www.thenation.com/blogs/thebeat?bid+1&pid=33242 (Nov. 3, 2005, 5:27pm).

⁹⁸⁸Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, to President George W. Bush (July 25, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/prespardnltr72505.pdf.

⁹⁸⁹Letter from Senator Harry Reid, Democratic Leader, U.S. Senate, to the Honorable George W. Bush (Nov. 8, 2005).

⁹⁹⁰Letter from the Honorable Henry Waxman, Ranking Member, Committee on Government Reform, to Secretary of Defense Donald Rumsfeld (August 29, 2005) *available at* <http://www.democrats.reform.house.gov/Documents/20050829160953-04500.pdf>.

⁹⁹¹Letter from the Honorable Francis Harvey, Acting Secretary of the Army, to Honorable Henry A. Waxman, Ranking Member, Committee on Government Reform (September 27, 2005).

⁹⁹²Letter from the Honorable Henry A. Waxman, Ranking Member, House Committee on Government Reform, to Condeleeza Rice, Secretary of State (January 14, 2004), *available at* <http://www.democrats.reform.house.gov/Documents/20040607092010-21572.pdf>.

⁹⁹³*Id.*

⁹⁹⁴Letter from the Honorable John Conyers, Jr., Ranking Member, Committee on the Judiciary, to President George W. Bush (December 7, 2005).

⁹⁹⁵*Id.*

⁹⁹⁶Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, *et al.*, to the Honorable F. James Sensenbrenner, Jr., Chairman, House Judiciary Committee (October 30, 2003), *available at* http://www.house.gov/judiciary_democrats/cialeakltr103003.pdf

⁹⁹⁷Letter from the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee, *et al.*, to the Honorable F. James Sensenbrenner, Jr., Chairman, Committee on the Judiciary (July 14, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/rovehrgrequestltr71405.pdf.

⁹⁹⁸Letter from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (September 29, 2003), *available at* <http://www.democrats.reform.house.gov/Documents/20040607092402-66614.pdf>.

⁹⁹⁹Letter from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (October 8, 2003).

¹⁰⁰⁰Letter from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (December 11, 2003), *available at* <http://www.democrats.reform.house.gov/Documents/20040607092233-06397.pdf>.



¹⁰⁰¹Letter from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (July 11, 2005), *available at* <http://www.democrats.reform.house.gov/Documents/20050711131514-97754.pdf>.

¹⁰⁰²Letter from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (October 28, 2005), *available at* <http://www.democrats.reform.house.gov/Documents/20051028172902-79173.pdf>.

¹⁰⁰³Letter from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (November 16, 2005), *available at* <http://www.democrats.reform.house.gov/Documents/20051116181144-65736.pdf>.

¹⁰⁰⁴Letter from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (May 11, 2004), *available at* <http://www.democrats.reform.house.gov/Documents/20040607093652-55156.pdf>.

¹⁰⁰⁵Letter to from the Honorable Henry Waxman, Ranking Member, House Committee on Government Reform, to the Honorable Tom Davis, Chairman, House Committee on Government Reform (November 30, 2005), *available at* <http://www.democrats.reform.house.gov/Documents/20051130143916-94287.pdf>.

¹⁰⁰⁶H.R. 420, 109th Cong. (2005); H. Res. 417, 109th Cong. (2005); H. Res. 417, 109th Cong. (2005); H. Res. 418, 109th Cong. (2005) and H. Res. 419, 109th Cong. (2005).

¹⁰⁰⁷H.R. REP. NO. 109-230 at 7 (2005).

¹⁰⁰⁸*Id.* at 28 (2005)(Dissenting Views). For example, in 1997, the Committee held hearings on campaign improprieties in the 1996 presidential election. *See Oversight of the Department of Justice: Hearing Before the House Comm. on the Judiciary*, 105th Cong., 1st Sess. (1997). In 1995, the Subcommittee on Crime heard several days of testimony as part of a congressional investigation into federal actions at Waco, with soldiers, officers, ATF, FBI and Treasury Department officials testifying. *See Activities of Federal Law Enforcement Agencies toward the Branch Davidians: Hearings Before the Subcomm. on Crime of the H. Comm. on the Judiciary*, 104th Cong., 1st Sess. (July 28, 31 & Aug. 1, 1995). In 1990-92, the Committee investigated whether the Justice Department helped run INSLAW, a small computer company into insolvency. *See The INSLAW Affair*, H. Rep. No. 102-857 (1992). In the 1970's, congressional committees held extensive hearings on Watergate as the Justice Department investigation was on-going. *See Impeachment of Richard M. Nixon, President of the United States*, H. Rep. No. 93-1305; *Debate on Articles of Impeachment: Hearings Before the H. Comm. on the Judiciary*, 93rd Cong., 2d Sess. (July 24-27, 29-30, 1974); *Impeachment Inquiry: Hearings Before the H. Comm. on the Judiciary*, 93rd Cong., 2d Sess. (Jan. 31-July 23, 1974).

